

UGA Equal Opportunity Office

Bill of Rights and Acknowledgments for Complainants and Respondents

Please Initial:

- _____ The Equal Opportunity Office (“EOO”) is conducting an administrative, not a criminal or civil law, investigation into possible harassment, discrimination or sexual misconduct under the University’s Non-Discrimination and Anti-Harassment (“NDAH”) Policy or Sexual Misconduct Policy (SMP).
- _____ The EOO is not advocating for or representing any party in this process. The EOO cannot provide legal advice to any party in this process.
- _____ The EOO is not prosecuting the Respondent(s) in this process. The EOO is gathering information to determine whether there is a preponderance of the evidence that conduct has occurred which violates the NDAH and/or SMP Policy.
- _____ Complainants and Respondents must be treated equitably. Both parties will have access to supportive measures that are non-disciplinary, non-punitive individualized services before or after a complaint or where no complaint is filed. These measures are to preserve or restore equal access to UGA programs or activities and to deter prohibited harassment or discrimination. These measures will remain confidential to the extent that they can be. Parties also have a right to request interim protective measures, and even in the absence of such a request, EOO can act to implement interim protective measures to protect the parties and/or the University community.
- _____ The Respondent is not considered in violation of either the NDAH Policy or the SMP until a violation is found through the investigation and resolution process.
- _____ The information obtained during the investigative process will be evaluated using a preponderance of the evidence standard. This means that in order to find a Respondent in violation of either the NDAH or SSMP Policy, more than 50% of the evidence must support that the Respondent engaged in conduct prohibited by the Policy.
- _____ As a Complainant or Respondent, you have a right to have a support person of your choice present for all meetings. This person may be an advocate, friend, parent, lawyer or any other person. In some instances, that advisor may not be someone who is also a witness in the investigation. The support person may not actively participate in the investigative process, but may be consulted at any point in the process. The advisor will pose cross-examination questions during Title IX hearings.
- _____ If you are a Respondent, you have the right to know the allegations against you and any information obtained during an investigation so that you may have an opportunity to respond.
- _____ As a Respondent, you have the right to decline to make any statements or answer questions regarding or related to the alleged misconduct and in doing so, no inference to responsibility will be drawn.
- _____ If determined by the Equal Opportunity Office to be appropriate, and if both the Complainant(s) and the Respondent(s) agree, reports of alleged misconduct under the NDAH Policy or SMP may be informally resolved, except in instances of student allegations of sexual harassment as defined by Title IX, which are committed by a University employee. Absent such determination and agreement, reports of alleged misconduct shall be resolved pursuant to the formal procedures outlined in the NDAH Policy and in the Code of Student Conduct (for allegations of SMP violations against students). Some matters involving sexual misconduct are resolved via hearing.

_____ As a Complainant or Respondent, you have the right to identify witnesses, documents, or other materials believed to be relevant for the EOO to review and consider. You have the right to pose questions to parties or witnesses through the investigator. Privileged documents, including but not limited to medical documents, mental health records, or attorney-client privileged materials, will not be included in the file or reviewed by the investigator unless written consent is provided allowing the privileged information to be considered as evidence. In those instances, the directly related records will be made available to the parties at the time the parties receive a draft investigation report and will be available to all hearing participants.

_____ If a violation is found, the level of discipline and type of sanction(s) will depend on the severity and nature of the violation, the weight of the evidence and the need to maintain a safe and respectful environment. Examples of available sanctions are listed in the NDAH Policy and the University Code of Conduct.

_____ No person connected to an EOO investigation may be subjected to retaliation. Retaliation is a separate violation of the NDAH Policy and SMP and if found by a preponderance of the evidence to have occurred provides an independent basis for disciplinary action.

_____ As a Complainant or Respondent, you have the right to appeal the outcome of an EOO investigation under the criteria listed in the NDAH Policy or the SMP.

_____ If you are a student Complainant or Respondent, the EOO cannot disclose any information about the EOO investigation to your family members or other third parties who are not involved in the investigation without a written release. This is pursuant to the federal Family Educational Rights and Privacy Act (FERPA).

_____ If you are a student Complainant or Respondent, information reported by you during an EOO investigation concerning your consumption of drugs or alcohol will not be used against you in a University disciplinary proceeding or voluntarily reported to law enforcement.

_____ I have been provided with a copy of, or an electronic link to, the NDAH Policy and/or SMP. In instances involving the SMP with student respondents, I was also provided a copy of University System of Georgia Policy 4.6.5, *Standards for Institutional Student Conduct Investigation and Disciplinary Proceedings*, and the UGA Code of Conduct. Any questions that I have about these policies or their interpretation can be asked of the investigator assigned to my case or UGA's Title IX Coordinator. I have also been notified about support resources on campus and in the community that are available to both Complainants and Respondents.

By signing I affirm that this Bill of Rights and Acknowledgments has been explained to me and that I have had the opportunity to discuss each item.

Signature:

Date:

Print Name:

EOO Staff Signature:

Date: